

# **CONSTITUTION OF THE BHISHO SOCIETY OF ADVOCATES**

(Approved and adopted at a special general meeting held on 11 June 2026, at  
Justitia Chambers, East London)

## **PREAMBLE**

*We, members of the organised profession of advocates in the Province of Eastern Cape, duly cognizant of our duties and responsibilities in the broader society in which we operate, hereby commit ourselves to the promotion of democracy, to the protection and enhancement of the rule of law, to the ideal of an open society founded upon human dignity, the achievement of equality and the advancement of human rights and freedoms, and to the promotion of non-racialism and non-sexism, both within our ranks and in broader society. To these ends and in order to regulate our affairs in an orderly fashion, we adopt this Constitution*

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## 1. NAME

The name of the Society shall be 'The Bhisho Society of Advocates', hereafter referred to as 'the Society'.

## 2. DEFINITIONS

2.1 In this Constitution, unless the context indicates otherwise:

- 2.1.1 'Society' means the Bhisho Society of Advocates, an affiliate of the Constituent Bar of the General Council, collaborating with and assisting in the furtherance and promotion of the General Council's objectives.
- 2.1.2 *Bar Council* means the Bar Council of the Society for the time being in office.
- 2.1.3 'General Council' means the General Council of the Bar of South Africa as constituted at Johannesburg on 21 September 1946, a copy of whose Constitution is attached hereto.
- 2.1.4 'Bar of the Division' means those advocates who normally practice in the Division.
- 2.1.5 'Division' means the area for the time being under jurisdiction of the Bhisho Division of the High Court of South Africa or of any other court which may replace such Division for such area.
- 2.1.6 'Advocates who normally practice in the Division' means this Advocates who are recognized for the time being by the Bar Council as normally practicing in Bhisho, provided that no person shall be recognized as such who:

- (i) does not occupy Chambers as approved by the Bar Council within the Division.
- (ii) does not hold himself/herself available to accept the normal duties pertaining to an Advocate on behalf of the public.
- (iii) is not willing and available to accept the normal duties of the profession including *Pro Bono* and *Amicus Curiae* matters at the request of the Court.

2.1.7 'Member' or 'members' means a member or members defined herein more particularly:

- (i) 'Full Member' means a member whose primary place of practice and voting affiliation resides within the Bhisho Society of Advocates.
- (ii) 'Primary Dual Member' means a member who maintains membership at more than one recognized or constituent Bar and has designated the Bhisho Society of Advocates as his/her primary place of practice and voting Bar.
- (iii) 'Secondary Dual Member' means a member who maintains primary membership and voting membership at another recognized or constituent Bar and maintains a secondary affiliation with the Bhisho Society of Advocates.
- (iv) 'Member in Good Standing' means a member :
  - (a) whose subscriptions, levies and other financial obligations are fully paid or subject to an approved payment arrangement.
  - (b) whose LPC registration is current.
  - (c) who is not under suspension.
- (v) 'Primary Place of Practice' means the Bar or Division recognized by the Bar Council as the member's principal professional affiliation.

- (vi) '*Approved Chambers*' means premises approved and recognized by the Bar Council for the purposes of practice within the Bhisho Society of Advocates.
- (vii) '*Dispensation*' means written exemption, whether temporary or permanent, granted by the Bar Council from compliance with specific Chambers upon good cause shown.

2.1.8 '*Chambers*' means:

- (i) premises approved and recognized by the Bar Council for the purposes of practice within the Society and shall constitute a requirement for membership of the Society, subject to any dispensation granted by the Bar Council.
- (ii) Every Full, Primary Dual and Secondary Dual member shall occupy approved Chambers unless exempted by dispensation by the Bar Council.
- (iii) the Bar Council shall have the authority to:
  - (a) approve, regulate or withdraw recognition of Chambers.
  - (b) regulate occupation and use of Approved Chambers.
  - (c) regulate signage and branding.
- (iv) In allocation of Approved Chambers, preference will be given to Full and Primary Members.
- (v) A Chambers group means of no less than five members may occupy Chambers provided such Chambers are approved by the Bar Council.
- (vi) Each Approved Chambers group shall designate a Chambers Leader from amongst the members occupying the Chambers who shall:
  - (a) act as liaison between the Chambers Group and the Bar Council.

- (b) Assist in communicating Bar Council directives and policies.
- (c) Assist in ensuring operational compliance concerns to the Bar Council.
- (d) Report on governance or operational issues.
- (e) Facilitate implementation of Chambers policies and administrative procedures.

2.19 *'Dispensation'* means written exemption, whether temporary, conditional or permanent, which may be granted by the Bar Council from compliance with occupying Approved Chambers upon good cause shown.

### 3. OBJECTIVES

3.1 The Society shall endeavour to:

- (i) Protect its interests and those of the members in their professional capacity.
- (ii) Supervise the conduct of members.
- (iii) Maintain and promote the rule of law.
- (iv) Advance transformation in the legal profession.
- (v) Promote the accessibility of the legal system to the public.
- (vi) Promote the achievement of equality within its ranks by the adoption and implementation of measures designed to protect and advance members or categories of members disadvantaged by unfair discrimination.
- (vii) Consider and promote improvements in the teaching and practice of the law and in the administration of justice.

3.2 The Bar Council shall from time to time appoint representatives to represent the Society and the General Council, such representatives need not be members of the Society but must be members of a constituent Bar of the General Council.

#### 4. MEMBERS

4.1 Any person who is duly admitted and enrolled as an Advocate of the High Court of South Africa and who normally practices as such and who does not practice otherwise than as an Advocate, shall be entitled to membership of the Society, provided:

- (i) They have completed a period of pupillage of not less than twelve months as a pupil member of the society or of any constituent or associated Bar of the General Council.
- (ii) has passed the requisite Bar Entrance Examination.
- (iii) has been enrolled as an advocate of the High Court of South Africa.
- (iv) has satisfied the Bar Council that they are a fit and proper person to become a member of the Society.

4.2 Any advocate seeking membership of the Society shall apply in writing in the form determined by the Bar Council to the Secretary. The application shall disclose:

- (i) the applicant's primary place of practice.
- (ii) any existing membership at another recognized or constituent Bar.
- (iii) the applicant's current practice address, if applicable.
- (iv) the category of membership sought.
- (v) LPC enrolment and compliance status.
- (vi) any other information reasonably required by the Bar Council.
- (vii) an intention to occupy of Approved Chambers which shall constitute a compulsory requirement for membership of the Society unless dispensation is granted by the Bar council upon good cause shown.

4.3 The Bar Council may:

- (i) approve or refuse membership.
- (ii) determine membership classification.
- (iii) impose reasonable conditions.
- (iv) determine Chambers recognition status.
- (v) grant temporary or conditional dispensation from Chambers occupation requirements.
- (vi) approve additional occupation requirements.

4.4 Every member shall be classified by the Bar Council as either a:

- (i) Full Member.
- (ii) Primary Dual Member.
- (iii) Secondary Dual Member.

4.5 The Secretary of the Bar Council will communicate the decision of the Bar Council relating to the membership application to the applicant.

4.6 No person shall become a member until he has duly signed the Roll of Members, opened and maintained by the secretary. The Roll shall be headed:

*'We, the undersigned, having read the constitution of the Society of Advocates of Bhisho undertake to abide by that Constitution (and any amendments thereof as and when duly made) and by all decisions and actions lawfully taken thereunder.'*

4.7 Members upon signing the Roll, shall become bound by the provisions of this Constitution and be deemed to consent to the obligations imposed thereunder.

4.8 No member shall occupy Chambers not approved by the Bar Council, unless exempted from this obligation on good cause shown. Should a member fail to occupy Approved Chambers and be without dispensation,

their membership shall cease without the necessity of prior disciplinary steps.

4.9 All members are expected to attend the annual Bar dinner and such other functions available to members of the Bar.

4.10 Members of the Society shall cease:

- (i) Upon resignation by the member.
- (ii) Upon expulsion in any manner prescribed by this Constitution.
- (iii) If the member's name is removed from the roll of advocates of the High Court of South Africa.
- (iv) If the Bar Council decides that the member has lost his/her necessary qualification for membership as prescribed.
- (v) Provided that in the case of 4.10 (iii) and clause 4.10 (iv) the member concerned shall have the same right of appeal (*mutatis mutandis*) as in the case of expulsion and provided further that cessation of membership shall in no way affect the member's liability for amounts owing to the Society or for any actions or conduct during his membership.

4.11 Pupils must make application as prescribed and determined by the Bar Council to the Secretary and satisfy the Bar Council that they are a fit and proper person to become a pupil member of the Society.

4.12 During the period of pupillage:

- (i) A pupil member shall not be entitled to accept briefs or receive any remuneration for work done in the course of such pupillage or to practice on his/her own account without the sanction of the Bar Council, not be entitled to attend or vote any General Meeting of the Society and shall not be liable for the payment of any subscriptions or dues of the Society.

- (ii) The Bar Council shall frame rules, which may be amended from time to time, governing the practical implementation of the service of such pupil member under pupillage and the duty of practicing members of the Society to undertake the training of pupil members assigned by them by the Bar Council and matters incidental thereto.
- (iii) Pupil members of the Society shall cease:
  - (a) upon resignation duly accepted by the Bar Council.
  - (b) upon expulsion in manner prescribed by this Constitution.
  - (c) upon passing pupillage and taking Chambers with the Bar.
  - (d) If the Bar Council decides that the pupil member has lost the necessary qualification for membership.
  - (e) Provided that in the case of (b) and (c) the pupil member shall have the same right of appeal (*mutatis mutandis*) as in the case of expulsion and provided further that cessation of pupil membership shall in no way affect the pupil member's liability for amounts owing to the Society or for any actions or conduct during his pupil membership.

#### 4.13 Dual Membership

- (i) A member may maintain membership at more than one recognized or constituent Bar subject to regulation by the Bar Council.
- (ii) Full Members and Primary Dual Members shall be entitled to:
  - (a) vote.
  - (b) hold office.
  - (c) serve on the Bar Council.
  - (d) count for quorum purposes.
- (iii) Secondary Dual Members shall not be entitled to:
  - (a) vote.
  - (b) hold office.
  - (c) serve on the Bar Council.
  - (d) count for quorum purposes.

- (iv) Secondary Dual Members shall nevertheless remain subject to:
  - (a) this Constitution.
  - (b) the disciplinary jurisdiction of the Society.
  - (c) Chambers regulations.
  - (d) the requirement of occupying, practicing from, or being formally attached to Approved Chambers unless dispensation is granted by the Bar Council upon good cause shown.
  - (e) financial obligations determined by the Bar Council.
- (v) A member shall not simultaneously exercise voting rights at more than one recognized Bar.

4.14 Honorary Membership. A General Meeting of the Society may elect to confer Honorary Membership persons who have achieved distinction in the practice of law or the administration of justice. Honorary Membership shall not confer any rights under this Constitution.

## 5. BAR COUNCIL

- 5.1 The Bar Council shall consist of nine members, provided that the Bar Council shall at any time have the right unanimously to co-opt any person or persons as additional members on such terms as the Bar Council may decide.
- 5.2 The Bar Council shall be deemed to be duly constituted notwithstanding any vacancy in the number of its members.
- 5.3 The election of Bar Council members shall take place in the following manner:
  - (i) The members shall be elected at the Annual General Meeting of the Society by a show of hands, or, if so directed by the Chairperson, by secret ballot.

- (ii) Each person nominated for membership shall be so nominated by a member of the Society either present at the meeting or by proxy and handed to the Secretary prior to such meeting as directed.
  - (iii) The above procedure shall be followed for the election of any other office-bearers of the Society as may be necessary to appoint from time to time.
- 5.4 Members of the Bar council shall hold office for a period of two years from the conclusion of the Annual General Meeting at which they were elected, unless they resign, become disqualified, cease to qualify for membership or vacate office in terms of this Constitution. Retiring members shall be eligible for re-election.
- 5.5 This composition of the Bar Council shall, as far as reasonably practicable, ensure fair representation across the membership of the Society, including representation from the respective Chambers.
- 5.6 The Bar Council shall elect from amongst its members a Chairperson, Vice Chairperson, Secretary, Treasurer and such additional office-bearers as may be necessary at its first meeting after election.
- 5.7 The Secretary shall maintain the records and minutes of the Society, attend to notices and correspondence, oversee the administration of the Society and perform such additional duties as the Bar Council may determine.
- 5.8 The Bar Council may establish committees upon such terms and for such purposes as it may determine. All committees and subcommittees shall remain accountable to the Bar Council and shall report to the Bar Council at such intervals as may be determined. Any decision taken pursuant to delegated authority shall be subject to ratification by the Bar Council where necessary.

- 5.9 The Bar Council shall meet at such time and places as it may determine. Meetings may be conducted in person, electronically or by hybrid format. The quorum for meetings of the Bar Council shall be sixty percent of its serving members, including members represented by proxy.
- 5.10 Decisions shall be taken by majority vote at a quorate meeting. The Chairperson, or in the Chairperson's absence the Vice Chairperson, shall preside and shall have a casting vote in the event of equality.
- 5.11 Any member of the Bar Council who has a direct or indirect personal or financial interest in any matter before the Bar Council shall disclose such interest and recuse himself or herself from deliberation and voting in relation thereto. The disclosure and recusal shall be recorded in the minutes.
- 5.12 Subject to this Constitution and resolutions adopted at a General Meeting, the Bar Council shall manage and administer the affairs of the Society and may exercise all powers reasonably necessary to fulfil its functions, including governance and regulation, representation, financial management, Chambers administration, professional standards, delegation, committees and residual governance functions.
- 5.13 The property and management of the affairs of the Society shall be vested in a Bar Council to do all such other things as may, in its opinion further the aims and objectives of the Society or are necessary for or incidental to the carrying out of these objectives.
- 5.14 The Bar Council shall not be entitled to exercise any power other than contained in the approved budget, without prior approval by members, of a resolution taken at a General Meeting of the Society or taken in writing and signed by a majority of the members.
- 5.15 All regulations, rulings and decisions made, and actions taken in pursuance of the above powers shall be of force and effect unless and

until set aside by a General Meeting of the Society duly convened in terms of this Constitution.

- 5.16 Nothing in this clause shall be deemed to override the power of the Society in a General Meeting to exercise any of the functions of the Bar Council or to take any action it may deem fit within the scope of the Constitution.
- 5.17 No member of the Bar Council shall be liable in damages or otherwise for any loss, damages or misfortune whatsoever which shall happen in the execution of the duties of his office or in relation thereto or arising therefrom and every such member shall be indemnified out of the funds of the Society against all liability, loss or expenses occurred by his as such.
- 5.18 The Bar Council may in all matters of common concern to the Society and any other Bar, co-operate with the Bar Council of such other Bar and for this purpose may arrange joint meetings for the Council's concerned.
- 5.19 The Bar Council may delegate any of its functions to any member or members of such Council or to any other person or persons, but the Bar Council may at any time terminate or modify such delegation.
- 5.20 In urgent matters it is permissible for the Bar Council to take decisions after members of the Bar Council have communicated by telephone, cell phone or e-mail with one another, provided that the requirements of a quorum are met, and the resolution that is taken is ratified at the next Bar Council meeting held.
- 5.21 Any decision of the Bar Council shall be binding on all members and pupil members of the bar and any such decision shall be subject to a right of appeal by a member prejudicially affected thereby to a general meeting of the Society, provided their written notice of intention to appeal

be lodged with the Secretary no later than 14 days after the decision shall have come to the notice of such member.

- 5.22 Minutes of all meetings shall be kept but such minutes shall not be available for inspection by members except with the consent of the Bar Council.

## 6. DISCIPLINE

- 6.1 The Uniform Rule of Professional Ethics ('the Uniform Rules'), together with such amendments to such rules may be made by the General Council from time to time, shall apply to and be binding on all members of the Society save to the extent that the Society in a General Meeting may revoke or amend any of the Uniform Rules insofar as it applies to the members of the Society.
- 6.2 The Bar Council shall be empowered to suspend or relax the operation of any rule with respect to any member in such circumstances as it may deem it appropriate to do so.
- 6.3 The Bar Council, or any of its members and or any other person or persons to whom it may delegate its functions in that regard shall inquire into the professional conduct of any member whatsoever it is in the opinion of the Bar Council desirable to do so and the member or members shall be obliged to report the results of such inquiry and any recommendations which may be made to the Bar Council.
- 6.4 The procedure to be followed in such an investigation shall, in each case, be determined by the Bar Council or the member or members thereof and/or any other person or persons conducting the inquiry, in accordance with the nature of the matter to be investigated and in accordance with the rules of natural justice.

- 6.5 If the Bar Council, having conducted an inquiry, or having received report from its member or members, decides that the member has been found guilty of conduct which in its opinion is 'professional misconduct' , it may admonish, fine, suspend or expel such member or impose a combination of such penalties and may suspend, in whole or in part such penalty / penalties on appropriate conditions, provided that no member shall be suspended or expelled unless not less than 2/3 of the members of the Bar Council shall vote in favour thereof.
- 6.6 No member of the Bar Council shall be disqualified from taking part in any such investigation or decision referred to in this clause by reason merely of the fact that he has received information otherwise than in the course of the investigation, about any matter forming the subject matter of the investigation.
- 6.7 It shall be the duty of every member to furnish the Bar Council or a member or members thereof, all such information as he may be called upon to furnish, and to produce all such books, documents, or other records as he may be called upon to produce. No member shall be relieved of his obligations in terms hereof, by reason of the fact that the information, books, documents or records called for will or may relate to his own conduct in respect of which no charge has yet been formulated.
- 6.8 Any member against whom any decision has been made, may, by notice in writing to the Secretary within seven days of notification of such decision, appeal against the decision to the General Counsel and Secretary shall forward it to the Secretary of the General Council, together with all documents and notes of evidence relating to the matter, who shall proceed to determine the appeal in accordance with the bylaws and/ or the specific requirements of General Counsel whose decision on the appeal shall be final and binding on the Society and all persons affected.

## 7. MEETING OF MEMBERS

7.1 Meetings of members of the Society shall be held:

- (i) Quarterly on such date as the Bar Council shall decide, the first of which shall be the Annual General Meeting.
- (ii) When so ordered by the Bar Council.
- (iii) On a requisition signed by a member and handed in to the Secretary and stating the purpose for which the meeting is required, on a date to be fixed by the Bar Council.

7.2 Only voting members in good standing shall:

- (i) vote.
- (ii) hold office.
- (iii) serve on the Bar Council.
- (iv) count for quorum purposes.

7.3 The Chairperson shall have a deliberative vote and, in the event of equality of votes, a casting vote.

7.4 A voting member unable to attend a meeting may appoint another voting member in good standing as proxy.

7.5 Proxy Appointments:

- (i) shall be in writing
- (ii) may be transmitted electronically
- (iii) shall be lodged with the Secretary of the Bar council before the meeting as prescribed

7.6 The quorum at all meetings will be 50% plus one (1) of the number of voting members.

- 7.7 Constitutional amendments shall require attendance, whether physically, electronically or by proxy, of not less than sixty percent of voting members in good standing.
- 7.8 Where a General Meeting cannot proceed because the required quorum is not present, the meeting may be adjourned. At any reconvened meeting, the members present or represented by proxy shall constitute a quorum, provided that not less than three voting members in good standing are present or represented.
- 7.9 The Bar Council may prescribe practical procedures for notice, attendance, electronic participation, voting and record-keeping at General Meetings.
- 7.10 Meetings of the Society of the Bar Council may be conducted physically, electronically, or in hybrid form using communication platforms approved by the Bar council from time to time.
- 7.11 Members participating electronically shall be deemed present for quorum and voting purposes.
- 7.12 The Bar Council may prescribe procedures regulating:
- (i) authentication
  - (ii) voting.
  - (iii) proxies.
  - (iv) participation.
  - (v)) integrity of proceedings.
- 7.13 The business of any meeting shall be only such business as is specifically mentioned in the notice convening the meeting and such other business as the Chairman may allow having due regard to the notice convening the meeting.

- 7.14 At least seven days clear notice in writing shall be given of every meeting of members provided that in the case of urgency and if the matter to be considered is not a proposed amendment of this Constitution, short notice may be given subject to the approval of two members of the Bar Council. All such notices shall not be invalidated by the mere fact that such notice has not been received by any member.
- 7.15 At the Annual General meeting the Bar Council shall present to the members a report dealing with the matters fitting the Bar, the financial position of the Society and generally the activities of the Bar Council during the year and a new Bar Council and other officials shall be elected.
- 7.16 Minutes of Annual General Meetings shall be circulated to all members by the secretary and shall be available for inspection.
- 7.17 No amendment to the Constitution shall be valid unless:
- (i) written notice of the proposed amendment is circulated not less than twenty-one days before the meeting.
  - (ii) the meeting is attended whether physically, electronically or by proxy by not less than 50% plus one (1) of the voting members in good standing.
  - (ii) the amendment is approved by not less than two thirds of the voting members present or represented by proxy.
  - (iii) Proxy votes shall be valid only where submitted in writing or electronically in the manner prescribed by the Bar Council.
  - (iv) No amendment not contained in the circulated notice shall be voted upon unless unanimously permitted by the voting members present.
- 7.18 The proposed amendment will be passed by majority vote of two thirds of the voting members present or by proxy as directed by the Bar Council.

## 8. FINANCE

8.1 The property and funds of or under the administration of Society shall be vested in the Bar Council.

8.2 The Secretary for the time being shall accept services of process and, when authorized thereto by the Bar Council, sign all necessary powers for that purpose.

### 8.3 Subscriptions:

- (i) Annual subscriptions, levies, entrance fees and other financial contributions shall be determined annually by the Bar Council.
- (ii) The Bar Council may determine:
  - (a) categories of subscriptions.
  - (b) due dates.
  - (c) payment methods.
  - (d) remission or deferment upon good cause shown.

### 8.4 Arrear Subscription:

- (i) Any subscription, levy or amount unpaid after due date shall constitute arrears.
- (ii) Written notice of arrears shall be delivered to the member concerned.
- (iii) If payment is not made within fourteen days after demand:
  - (a) interest may accrue.
  - (b) administrative penalties may be imposed.
- (iv) If arrears continue for sixty days, the Bar Council may:
  - (a) suspend voting rights.
  - (b) suspend office-bearing rights.
  - (c) suspend the member's privileges at Approved Chambers.
  - (d) suspend Society privileges.
- (v) If arrears continue for ninety days, the Bar Council may:

- (a) suspend membership
  - (b) terminate membership upon:
    - (i) written notice affording a reasonable opportunity for written representations.
    - (ii) resolution of the Bar Council.
  - (c) institute legal proceedings.
  - (d) recover legal costs on the attorney and client scale.
  - (e) inform all stakeholders of such termination
- 8.5 The Bar Council may approve deferred payment arrangements upon good cause shown.
- 8.6 Termination of membership shall not extinguish the Society's right to recover outstanding amounts, penalties, interest or costs.
- 8.7 A certificate signed by the Chairperson or Secretary reflecting indebtedness shall constitute *prima facie* proof for the purpose of legal proceedings.
- 8.8 Members joining the society shall pay a non-refundable joining fee of R1000.00 or such amount as may be determined by the Bar Council.
- 8.9 The Secretary shall open and maintain a banking account or building society account in the name of the Society in such Bank as the Bar Council shall determine, which shall also decide as to how the banking account shall be operated.
- 8.10 All subscriptions and other monies received on behalf of the Society shall be paid into this Bank account as soon as possible.
- 8.11 Any profits or gains made by the Society shall be used by the Society solely for investment or for the attainment of objects hereinbefore set out.

8.12 The Bar Council may impose special levies where reasonably necessary in its discretion after consultation on written notice of any proposed levy with the member of the Society

8.13 Members shall be afforded an opportunity to make written representations regarding the proposed levy.

9. GENERAL

9.1 This Constitution shall come into force in effect immediately upon acceptance thereof.

9.2 Any matter affecting the Society, or any member thereof may be brought before the Bar Council in writing by any person, and the Bar Council may, subject to the provisions of this constitution, take such action thereon as it deems appropriate.

9.3 All notices of the Society sent to a Member's Chambers shall be deemed to have been duly sent for the purpose of this Constitution.

9.4 All by-laws, rules, regulations, and instructions heretofore binding members upon the Constitution of the Society of Advocates of 1911 or from time to time adopted or laid down by the Society or its Bar Council shall remain *mutatis mutandis* remain in operation and binding on members as though made under this Constitution except insofar as they are at variance with this Constitution and until rescinded in terms of this Constitution.

THUS, DONE AND ADOPTED ON 11 OF June 2026.

  
\_\_\_\_\_  
CHAIRPERSON

  
\_\_\_\_\_  
SECRETARY